## STATE OF CALIFORNIA
## DEPARTMENT OF CONSUMER AFFAIRS
## BOARD OF REGISTERED NURSING MINUTES

| | |
|---|---|
| DATE: | November 10, 2016 |
| LOCATION: | Double Tree by Hilton<br>835 Airport Blvd.,<br>Burlingame, CA 94010 |
| PRESENT: | Michael D. Jackson, MSN, RN, President<br>Raymond Mallel, Vice President<br>Elizabeth A. Woods, MSN, FNP, RN<br>Pilar De La Cruz-Reyes, MSN, RN<br>Cynthia Klein, RN<br>Trande Phillips, RN<br>Barbara Yaroslavsky |
| ALSO PRESENT: | Joseph Morris, RN, MSN, Ph.D., Executive Officer<br>Stacie Berumen, Assistant Executive Officer<br>Christina Sprigg, Deputy Chief, Licensing and Administrative Services<br>Shannon Silberling, Deputy Chief, Complaint Intake and Investigations<br>Beth Scott, Deputy Chief, Discipline, Probation and Intervention<br>Janette Wackerly, Supervising NEC<br>Miyo Minato, Supervising NEC<br>Leslie Moody, NEC<br>Kay Weinkam, NEC<br>Katie Daugherty, NEC<br>Laura Shainian, NEC<br>Don Walker, Intervention Program Manager<br>Julie Campbell-Warnock, Research Program Specialist<br>Kim Ott, Decisions and Appeals Analyst<br>Elisa Serna, Staff Services Analyst<br>Joshua Rushing, Probation Montioner<br>Michael Santiago, DCA Legal Counsel<br>Shelly Jones, DCA Executive Office<br>Jill Schlichtmann, Administrative Law Judge<br>Leslie Brast, Deputy Attorney General<br>Valerie Lopez, Deputy Attorney General |

**Wednesday, November 9, 2016 – 8:00 am – Open Session: 9:00 am Board Meeting**

1.0     **8:00 am Open Session: Staff Presentation to Public (Board Members will not be present):**

      1.1     Overview of the Board's licensure process and process related to applicants reporting convictions.

      1.2     Questions and Answers.

2.0     **Call to Order and Establishment of a Quorum**
Michael Jackson, President, called the meeting to order at 9:15 a.m. and had the members introduce themselves.

3.0     **Public Comment for Items Not on the Agenda**

No public comment.

4.0     **Disciplinary Matters. Hearings on Petitions For:**

| Reinstatements | Early Termination/Modification of Probation |
|---|---|
| Robert Brubaker | Carla Alsworth |
| Lualhati Cologrove | Marla Barsness |
| Jill Hughes | Anne Bollinger |
| Michele Mollen | Valerie Johnson |
| Kerlene Morgan | |
| Lawrence Williamson | |

Meeting adjourned at 1:15 p.m.

5.0     **Closed Session**

**Disciplinary Matters**
The Board convened in **closed session** pursuant to Government Code Section 11126(c) (3) to deliberate on the above matters and other disciplinary matters including stipulations and proposed decisions.

Michael Jackson, President, called the closed session meeting to order at 2:40 p.m. The closed session adjourned at 4:25 p.m.

6.0     **Reconvene in Open Session for Purposes of Adjournment**

Michael Jackson, President, reopened the meeting at 4:26 pm and called for public comment. No public comment.

Meeting adjourned at 4:32 p.m.

**1.0     Call to Order and Establishment of a Quorum**
Michael Jackson, President, called the meeting to order at 9:17 am and had the Board Members introduce themselves.

**2.0     Public Comment for Items Not on the Agenda**
No Public Comment

**3.0     Review and Vote on Whether to Approve Minutes:**
  ➤  September 15, 2016 Board Meeting Minutes
  ➤  October 4-5, 2016 Board Meeting Minutes
  ➤  October 27, 2016 Board Meeting Minutes

**3.1     Review and Vote on Whether to Approve September 15, 2016 Board Meeting     Minutes**

No Public Comments.

**Motion:** Pilar De La Cruz-Reyes made a motion that the Board approves the Minutes from September 15, 2016 Board Meeting.
**Second:** Michael Jackson

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | Y  | Y  | Y  |

**3.2     Review and Vote on Whether to Approve October 4-5, 2016 Board Meeting Minutes**

No Public Comments

**Motion:** Pilar De La Cruz-Reyes made a motion to approve the Minutes from October 4-5, 2016 Board Meeting.
**Second:** Michael Jackson

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | A  | A  | A  |

**3.3     Review and Vote on Whether to Approve October 27, 2016 Board Meeting Minutes**

No Public Comments.

**Motion:** Pilar De La Cruz-Reyes made a motion to approve the Minutes from October 27, 2016 Board Meeting
**Second:** Elizabeth Woods

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | A  | A  | Y  |

**4.0    Report on Board Members' Activities**

No Board Activity Reported

**5.0    Board and Department Activities**

**5.1    Executive Officer Report**
Dr. Joseph Morris, RN, MSN, Ph.D., Executive Officer presented this report.

<u>**Organizational Update**</u>

➢ <u>**BRN Sunset Report**</u>
The most current draft of the Supplemental Sunset Report was provided to Board members. Comments related to the previous draft have been incorporated where appropriate. This will be discussed further and voted on as an agenda item under the Administrative Committee.

➢ <u>**Public Record Requests**</u>
The BRN continues to comply with public record requests and responds within the required timeframes that are set in Government Code Section 6250. For the period of June 6, 2016 through, October 4, 2016 the BRN received and processed 48 public record requests.

➢ <u>**Paperless Renewal Notifications**</u>
The BRN staff continues to evaluate the feasibility of implementing paperless RN and advanced practice renewal notifications as a cost savings measure. The staff is working with DCA's BreEZe Business Integrity Analyst (BIA) to explore this option in the BreEZe system.

➢ <u>**Consumer Satisfaction Survey**</u>
The BRN online Consumer Satisfaction Survey was available on the BRN Web site from September 9, 2016 through October 15, 2016 and 21,759 responses were received. The majority (18, 563) of respondents were current licensees. The survey asked for ratings on BRN services, processes and interactions with staff. Data from the survey was presented by DCA's SOLID to the BRN management on October 27, 2016. Responses show that the majority of individuals (72% to 85%) were satisfied or very satisfied with various BRN services. Respondents were most satisfied with the online services and the professionalism and knowledge of the BRN staff. More detailed results are included in the BRN Supplemental Sunset Report which will be available on the BRN Web site when it is completed. The BRN staff is reviewing the survey results and will use this feedback to continue to improve the BRN processes and services when possible. The survey will be conducted annually to continue to assess and improve the services of the BRN.

<u>**2015-2016 Annual School Survey**</u>
On October 1, 2016 an e-mail was sent to all California BRN-approved pre-licensure nursing programs to access the 2015-2016 Annual School Survey. The deadline for survey data collection is November 15, 2016. The BRN collects data annually on nursing

program, student and faculty information and demographics. If a nursing program did not receive an e-mail with the survey link, they are asked to contact Julie Campbell-Warnock at the BRN or their NEC.

On October 7, 2016, the BRN and UCSF jointly conducted its second annual school survey webinar for nursing program deans and directors and other nursing program staff who assist in compiling the survey data. The Webinar provided information to assist in the completion of the annual school survey and answered questions. The webinar was recorded and is available for viewing.

A link to the recorded webinar was sent to all nursing programs deans and directors and other nursing program staff who attended the webinar.

## 5.2 Budget Update

➢ **Budget Change Proposal (BCP)**
The Board submitted Budget Change Proposals requesting additional staff identified as necessary to complete workload in licensing to meet regulatory review time frames; the call center to improve customer service; and education for the Board to comply with SB 466.

➢ **Fund Condition**
See page 4 for current figures (as 09/12/16) of the BRN's Analysis of Fund Condition. Please note the fund condition does not take into account additional revenue projections from the recently approved BRN fee bill, SB 1039, which will go into effect beginning January 1, 2017.

## 5.3 Technology Update

➢ **Fingerprint Requirement**
The BRN Licensing staff is continuously working with BIA to identify licensee's renewal records that are missing in the BreEZe system and require fingerprints prior to submission of renewal fees. From September 2nd to present staff mailed out over 2,400 letters to licensee's who have paid for the renewal of their license and there is a hold on the license renewal due to missing fingerprints.

➢ **WebEx**
The BRN videoconferencing room is now complete. The Board now has the ability to videoconference meetings using the WebEx multimedia software. The WebEx accounts are available to board staff and management use to assist with future teleconferences amongst office and telework staff as well as other committees and workgroups. On October 21st several managers were able to successfully utilize the videoconferencing software during a 3 hour staff meeting.

➢ **Electronic Transcripts**
The Board continues to pilot the acceptance of electronic transcripts from California Schools. The CloudDrive was presented at the October 2016 joint Deans & Directors meeting in San Francisco and was well received. The Board is currently preparing detailed

written instructions on the use of the CloudDrive to deliver to the schools. We plan to go officially live with the process in December.

### 5.4 Staffing Update

The BRN continues to evaluate the staffing needs throughout the department. Over the past two months the Board has hired 2 permanent and 2 limited term staff. Currently, there are 4 permanent full-time vacancies. As stated in the previous EO Report, we have also adjusted staff's flex time schedules and have implemented a Monday through Friday 8am to 5pm work calendar to improve customer services.

| NEW HIRES | | | |
| --- | --- | --- | --- |
| Name | Classification | Program | Tenure |
| Justin Costamagna | Associate Governmental Program Analyst | Probation | Limited Term |
| Sabrina Gonzales | Staff Services Analyst | Discipline Unit | Permanent |
| Monica Shields | Office Technician (T) | Complaint Intake | Permanent |
| Steve Long | Program Technician II | Licensing | Limited Term to Permanent |
| Patrice Quinn | Office Technician (T) | Complaint Intake | Limited Term |
| PROMOTIONS | | | |
| Name | Classification | Program | |
| Natalya Yakuta | Office Technician (T) | Discipline | Permanent |
| Evelyn Medina-Aranda | Office Technician (T) | Discipline | Permanent |
| SEPARATIONS | | | |
| Name | Classification | Program | |
| Bea Vue | Staff Services Analyst | Discipline | Permanent |
| Mailia Chang | Program Technician | Renewals | Limited Term |
| Beth Scott | Deputy Chief SSM II | Disc/Prob/Intervention | Permanent |
| Leah Doane | Office Technician (Typing) | Administration | Permanent |
| VACANCIES | | | |
| Classification | | Program | FT/Perm vacancies |
| Office Technician (Typing) | | Administration | 1 |
| Staff Services Analyst | | Enf/Discipline | 1 |
| Program Technician II | | Licensing/Evaluations | 1 |
| Program Technician | | Licensing/Support | 1 |

# 0761 - Board of Registered Nursing
## Analysis of Fund Condition
(Dollars in Thousands)

2016 BUDGET ACT
$8.3 M GF LOAN REPAYMENT IN 2015-16 CURRENT YEAR

| | Actual 2015-16 | | Budget Act CY 2016-17 | | BY 2017-18 | | BY+1 2018-19 | |
|---|---|---|---|---|---|---|---|---|
| **BEGINNING BALANCE** | $ | 7,081 | $ | 9,358 | $ | 6,153 | $ | 2,579 |
| Prior Year Adjustment | $ | -207 | $ | - | $ | - | $ | - |
| Adjusted Beginning Balance | $ | 6,874 | $ | 9,358 | $ | 6,153 | $ | 2,579 |
| **REVENUES AND TRANSFERS** | | | | | | | | |
| Revenues: | | | | | | | | |
| 125600 Other regulatory fees | $ | 1,581 | $ | 1,963 | $ | 1,963 | $ | 1,963 |
| 125700 Other regulatory licenses and permits | $ | 6,325 | $ | 6,603 | $ | 6,603 | $ | 6,603 |
| 125800 Renewal fees | $ | 27,876 | $ | 30,072 | $ | 30,072 | $ | 30,072 |
| 125900 Delinquent fees | $ | 622 | $ | 708 | $ | 708 | $ | 708 |
| 141200 Sales of documents | $ | - | $ | - | $ | - | $ | - |
| 142500 Miscellaneous services to the public | $ | 57 | $ | - | $ | - | $ | - |
| 150300 Income from surplus money investments | $ | 56 | $ | 15 | $ | 8 | $ | - |
| 150500 Interest Income from Interfund Loans | $ | 121 | $ | - | $ | - | $ | - |
| 160400 Sale of fixed assets | $ | - | $ | - | $ | - | $ | - |
| 161000 Escheat of unclaimed checks and warrants | $ | 9 | $ | - | $ | - | $ | - |
| 161400 Miscellaneous revenues | $ | 6 | $ | - | $ | - | $ | - |
| 161400 Settlements/judgements (not anti-trust) | $ | - | $ | - | $ | - | | |
| Totals, Revenues | $ | 36,653 | $ | 39,361 | $ | 39,354 | $ | 39,346 |
| Transfers from Other Funds | | | | | | | | |
| T00001 GF loan per Item 1110-011-0761 BA of 2011 | $ | 8,300 | $ | - | $ | - | | |
| Totals, Revenues and Transfers | $ | 44,953 | $ | 39,361 | $ | 39,354 | $ | 39,346 |
| Totals, Resources | $ | 51,827 | $ | 48,719 | $ | 45,507 | $ | 41,925 |
| **EXPENDITURES** | | | | | | | | |
| Disbursements: | | | | | | | | |
| 1110 Program Expenditures (State Operations) | $ | 42,403 | $ | - | $ | - | $ | - |
| 1111 Program Expenditures (State Operations) | $ | - | $ | 42,513 | $ | 42,928 | $ | 43,787 |
| 8880 Financial Information System for California (State Operations) | $ | 66 | $ | 53 | $ | - | | |
| Total Disbursements | $ | 42,469 | $ | 42,566 | $ | 42,928 | $ | 43,787 |
| **FUND BALANCE** | | | | | | | | |
| Reserve for economic uncertainties | $ | 9,358 | $ | 6,153 | $ | 2,579 | $ | -1,862 |
| Months in Reserve | | 2.6 | | 1.7 | | 0.7 | | -0.5 |

NOTES:
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING
B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING BY+1
C. ASSUMES INTEREST RATE AT 0.3%.
D. BASED ON FISCAL MONTH 13$^\circ$

**6.0    Report of the Administrative Committee**
Michael Jackson, President, Chairperson

**6.1    Review and Vote on 2016 Supplement Sunset Report Draft**
Julie Campbell-Warnock, Research Program Specialist presented this report

**BACKGROUND:** Staff has prepared a draft of the 2016 Supplemental Sunset Report and a final draft has been provided to Board Members to review and provide any suggestions and/or Feedback. The report is being prepared for the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions who jointly participate in the sunset oversight review. The Board previously completed the sunset review process in 2014-2015. At that time the Board was granted authority to continue until January 1, 2018. The joint Committees have currently requested that the Board provide an update on many of the issues that were presented during the prior sunset review as well as address some new issues. This supplemental report addresses this request.

The draft 2016 Supplemental Sunset Report will be available at the board meeting. The report will be finalized and submitted for printing on November 18, 2016 and submitted by the deadline of December 1, 2016.

No Public Comments

**Motion:** Michael Jackson made the motion to accept the Supplement Sunset Report Draft
**Second:** Barbara Yaroslavsky

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|-----|-----|-----|-----|-----|-----|
|       | Y    | Y   | Y   | Y   | Y   | Y   | Y   |

**7.0    Report of the Education/Licensing Committee**
Michael Jackson, MSN, RN, Chairperson

**7.1    Vote on Whether to Ratify Minor Curriculum Revision**
Leslie Moody, NEC, Presented this report

**BACKGROUND:** According to Board policy, Nursing Education Consultants may approve minor curriculum changes that do not significantly alter philosophy, objectives, or content. Approvals must be reported to the Education/Licensing Committee and the Board.

Minor Curriculum revisions include the following categories:
- Curriculum changes
- Work Study programs
- Preceptor programs
- Public Health Nurse (PHN) certificate programs
- Progress reports that are not related to continuing approval
- Approved Nurse Practitioner program adding a category of specialization

The following programs have submitted minor curriculum revisions that have been approved by the NECs:

7.1.1   California State University, Fullerton Baccalaureate Degree Nursing Program
7.1.2   Charles R. Drew University of Medicine and Science, Mervyn M. Dymally School of Nursing Entry Level Master's Degree Nursing Program
7.1.3   Loma Linda University Baccalaureate Degree Nursing Program
7.1.4   Mount Saint Mary's University, Los Angeles Baccalaureate Degree Nursing Program
7.1.5   Simpson University Baccalaureate Degree Nursing Program
7.1.6   The Valley Foundation School of Nursing at San Jose State University Baccalaureate Degree Nursing Program
7.1.7   University of California, Davis Betty Irene Moore School of Nursing Entry Level Master's Degree Nursing Program
7.1.8   University of California, San Francisco Entry Level Master's Degree Nursing Program
7.1.9   University of San Francisco Baccalaureate Degree Nursing Program
7.1.10  University of San Francisco Entry Level Master's Degree Nursing Program
7.1.11  Carrington College LVN to RN Associate Degree Nursing Program
7.1.12  College of the Canyons Associate Degree Nursing Program
7.1.13  Evergreen Valley College Associate Degree Nursing Program
7.1.14  Los Angeles Harbor College Associate Degree Nursing Program
7.1.15  Mendocino College Associate Degree Nursing Program
7.1.16  Modesto Junior College Associate Degree Nursing Program
7.1.17  Monterey Peninsula College Associate Degree Nursing Program
7.1.18  Porterville College Associate Degree Nursing Program
7.1.19  San Joaquin Delta College Associate Degree Nursing Program
7.1.20  West Hills College Lemoore Associate Degree Nursing Program
7.1.21  University of San Francisco Nurse Practitioner Program
7.1.22  University of California, Los Angeles Nurse Practitioner Program

**Acknowledge Receipt of Program Progress Report:**
7.1.23  Charles R. Drew University of Medicine and Science, Mervyn M. Dymally School of Nursing Entry Level Master's Degree Nursing Program
7.1.24  Napa Valley College Associate Degree Nursing Program


No Public Comment.

**Motion:** Michael Jackson made a motion to Ratify Curriculum Revision for the Schools listed above
**Second:** Barbara Yaroslavsky

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | Y  | Y  | Y  |

**7.2   Vote on Whether to Approve Education/Licensing Committee Recommendations**
Leslie Moody, NEC Presented this report

**BACKGROUND:** The Education/Licensing Committee met on October 6, 2016 and makes the following recommendations:

### 7.2.1 Continue Approval of Prelicensure Nursing Program
- California State University, East Bay Baccalaureate Degree Nursing Program
- Dominican University of California Baccalaureate Degree Nursing Program
- Mount Saint Mary's University, Los Angeles Baccalaureate Degree Nursing Program
- University of Phoenix at Modesto Baccalaureate Degree Nursing Program
- Fresno City College Associate Degree Nursing Program
- San Joaquin Delta College Associate Degree Nursing Program

### 7.2.2 Approve Major Curriculum Revision
- Azusa Pacific University Baccalaureate Degree Nursing Program (curriculum)
- Azusa Pacific University Entry Level Master's Degree Nursing Program (curriculum)
- American River College Associate Degree Nursing Program (curriculum)
- College of the Siskiyous LVN to RN Associate Degree Nursing Program (curriculum)
- San Joaquin Delta College Associate Degree Nursing Program (enrollment increase)

### 7.2.3 Accept Program Closure
- Holy Names University LVN-BSN Baccalaureate Degree Nursing Program
- United States University Entry Level Master's Degree Nursing Program

No Public Comment.

**Motion:** Michael Jackson made a motion to Continue Approval for the Schools listed above
**Second:** Elizabeth Woods

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|---|---|---|---|---|---|---|---|
| | Y | Y | Y | Y | Y | Y | Y |

**7.3     Vote on Whether to Approve Enrollment Increase for Azusa Pacific University Baccalaureate Degree Nursing Program**
Badrieh Caraway, NEC, Presented this report

**BACKGROUND:** Renee Pozza, PhD, RN, CNS, FNP, Associate Dean, Director
School of Nursing at the Azusa Pacific University (APU), was appointed on 11-1-2007.

Azusa Pacific University (APU) and its School of Nursing (SON) is a private, non-profit faith based University, fully accredited by the Western Association of Schools and Colleges (WASC) and the Commission on Collegiate Nursing Education (CCNE). The School of Nursing began offering the traditional Bachelor of Science in Nursing (BSN) program in 1975 and currently offers programs leading to the BSN for traditional undergraduate students, RN-BSN for licensed RNs, LVN-BSN for licensed LVNs, and (Two Plus Two) for transfer students, additionally the program is also offering ELM, MSN, NP, DNP and PhD degrees.

The High Desert 2+2 BSN transfer program is one of the options Azusa Pacific University offers as a pathway to the BSN. This program is intended for students who have completed 48+ transfer units of general education requirements and wish to enter the profession of nursing. The 2 year program was begun in 2010 after BRN approval and has enrolled approximately 20 students per cohort three times per year. At this time APU has more qualified applicants for this program (60 students on wait

list) than they have spaces available. Graduates from this program have found employment in the local community either within the acute care facilities or the public health department. APU offers scholarships for students based on need as well as merit based aid. Three fourths of the current students are receiving APU scholarships (88/122). 73 students are receiving a Pell Grant and 29 students are receiving Cal Grant monies.

The APU BSN programs currently enroll approximately 220 pre-licensure students per year. The Azusa campus enrolls 100 traditional undergraduate students per year and the LVN to BSN program at the Monrovia campus admits approximately 60 students per year. The Two plus Two program at the High Desert Regional Center (HDRC) admits 20 students per semester, totaling 60 students per year (20 students per Fall, Spring, and Summer semesters). There are no LVN to BSN program students currently admitted to the Inland Empire Regional Campus (IERC).

The program is seeking to increase enrollment of 2+2 Transfer student program from 20 to 30 students per cohort, totaling 90 students per year (30 students per Fall, Spring, and Summer semesters) at the High Desert Regional Center (HDRC) and an addition of a new cohort of 20 LVN-BSN students, totaling 60 students per year (20 students per Fall, Spring, and Summer semesters) at the Inland Empire Regional Campus (IERC). This enrollment increase will change the current annual pre-licensure students' enrollment from 220 to 310, and meet the demands of the applications they receive for these programs. Currently, there are only 16 accredited LVN to BSN schools in California. This request to start a cohort at the IERC will meet the demands from LVNs, community agency partners, and community colleges.

APU acquired a new 55,000 sq. ft. building to house the Inland Empire Regional Center (IERC) programs in San Bernardino in 2013. The LVN to BSN students will have access to this BRN approved facility which has 22 classrooms, including a large auditorium which seats 300; a large skills lab with eight fully functioning beds, a four room simulation center with two control rooms allowing four simulations at once, and 13 nursing faculty offices. The university has approved and hired a full time LVN to BSN IERC director. The hiring and recruitment process is still in progress to find 4 FTE full-time nursing faculty members, 4 FTE adjunct faculty members, a staff level program manager position at the IERC, and additional faculty at the HDRC.

Based on the October 6, 2016 Education Licensing Committee request for more information relevant to the impact of the proposed increased enrollment on the clinical placement of students from other colleges and universities the program has provided the following information:
- Executive summary elaborating on the program's strong regional collaboration with the local community colleges and regions hospitals. APU has signed articulation agreements with most of the community colleges in the 25-miles radius of the High Desert & Inland Empire Regional Campuses to offer the students a seamless progression into the BSN pathway beginning in the summer after their first year .(Chaffey, San Bernardino Valley, and Riverside City College). Program has secured twenty one (21) letters of support for increased enrollment from the local community colleges and universities; hospital partners and the community partners (please see attached documents).
- The clinical experiences are scheduled in collaboration with the clinical hospitals. APU coordinates experiences with four different regional consortiums (LA/CCPS; Inland Empire; San Diego; and Orange County/Long Beach) which partner the local acute care facilities and regional schools of nursing to collaborate on the needs of the schools and the availability at

the hospitals and agencies. APU SON has a five-member staff clinical placement team to work with the various partners to ensure that placements are requested in a timely manner

- APU SON provided a projected clinical rotation schedule that shows, by course, clinical agencies and assigned instructors for the Spring, Summer ,and Fall semesters (2017) & (2018), for both the High Desert Regional Campus (HDRC) , and Inland Empire Regional Center (IERC) campuses.( Please see attached EDP-P11 forms).
- APU SON submitted the program clinical facility verification form ( EDP-P14) to verify the sufficiency of clinical learning experiences/clinical placement for APU students and students from other programs utilizing the same clinical facilities.( Please see attached EDP-P14) form.

Public Comment: Renee Pozza, PhD, RN, CNS, FNP, Associate Dean, Director
Aja Tulleners Lesh, PhD, RN, Dean and Professor
Grace Moorefield, PhD, APRM, BC, Chair, Undergraduate Program
Amanda Hagan

Motion: Michael Jackson made a motion to approve increased enrollment of 2+2 transfer student program to a total of 90 students per year at the High Desert Regional Center Campus and to approve a new cohort of LVN to BSN students for a total of 60 students per year at the Inland Empire Regional Campus for Azusa Pacific University Baccalaureate Degree Nursing Program effective upon Board approval.
Second: Elizabeth Woods

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | Y  | Y  | Y  |

## 7.4 Vote on Whether to Change Warning Status
### 7.4.1 Shepherd University Associate Degree Nursing Program
Miyo Minato, SNEC, Presented this report

**BACKGROUND:** Misun Sprina Jeon, RN, MSN, is Director of ADN Program since November 2011. SU received initial approval from the BRN on May 19, 2010. It is accredited by Accrediting Council for Independent Colleges and Schools (ACICS) and has BPPE approval for three nursing degrees in ADN, RN-BSN (CCNE accredited, expires Dec. 31, 2020), and MSN, Nursing Education. SU has continued with the WASC accreditation and has an initial accreditation visit scheduled for spring 2017.

The report of an interim visit in May 2011 showed that the program started with a cohort of 33 advanced placement LVN students in summer 2010 and 32 students completed the advanced placement curriculum. The NCLEX pass rates from the first two graduating cohorts, May 2011 and December 2011 graduates are LVN advanced placement students, and the pass rates for 2011-2012, combining one graduate from the previous year, with the larger group is 73.21% (41/56 pass). SU implemented admission and progression policy changes as initial attempts to improve graduate outcome following the 2011-2012 results. Since the initial annual NCLEX pass rate that was below 75%, the program has had four consecutive years of substandard pass rates with decreasing results. To date, a total of 267 graduates have taken the NCLEX-RN Exam and 144 (first-time takers) have

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passed at a rate of 53.93%. The table below shows BRN's NCLEX results from 2010 to 2016, and the text boxes next to the table describe Board actions.

**Shepherd University**

| Board Action | Year | JUL-SEP | | | OCT-DEC | | | JAN-MAR | | | APR-JUN | | | ANNUAL RATE | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Taken | Passed | Percent | Taken | Passed | Percent | Taken | Passed | Percent | Taken | Passed | Percent | Taken | Passed | Percent |
| | 2010 - 2011 | 0 | 0 | | 0 | 0 | | 0 | 0 | | 1 | 1 | 100.00% | 1 | 1 | 100.00% |
| | 2011 - 2012 | 28 | 21 | 75.00% | 1 | 0 | 0.00% | 13 | 11 | 84.62% | 13 | 8 | 61.54% | 55 | 40 | 72.73% |
| | 2012 - 2013 | 12 | 9 | 75.00% | 17 | 9 | 52.94% | 31 | 20 | 64.52% | 6 | 2 | 33.33% | 66 | 40 | 60.61% |
| 2/2014 CAV 9/2014 Warning | 2013 - 2014 | 5 | 3 | 60.00% | 19 | 8 | 42.11% | 3 | 0 | 0.00% | 16 | 8 | 50.00% | 43 | 19 | 44.19% |
| 9/2015 Continued Warning | 2014 - 2015 | 14 | 4 | 28.57% | 23 | 4 | 17.39% | 9 | 1 | 11.11% | 18 | 10 | 55.56% | 64 | 19 | 29.69% |
| 4/2016 Continued Warning | 2015 - 2016 | 13 | 7 | 53.85% | 9 | 7 | 77.78% | 8 | 4 | 50.00% | 8 | 7 | 87.50% | 38 | 25 | 65.79% |

Wednesday, August 31, 2016

Source: NCSBN G1-G6 Reports
G:\NEC\ACCESS\NCLEX Information.mdb

The Board's and SU's activities subsequent to the initial graduates' NCLEX results are summarized below, including updates on the school's progress to the Board.

- On February 26 - 27, 2014, Miyo Minato, SNEC, and Shelley Ward, NEC, conducted a regularly scheduled first continuing approval visit to Shepherd University ADN Program. Additionally this board-approval visit was conducted pursuant to CCR 1431(b) for the program's licensing pass rate for first time candidates below 75% for two consecutive academic years. The program
- August 7, 2014 ELC/September 18, 2014 BRN decision – Placed SU on Warning Status.
- August 6, 2015 ELC/September 3, 2015 BRN decision – A site visit to SU and a meeting with students were done on June 16, 2015. The Board action was to continue SU on Warning Status and ask for a progress report at March 2016 ELC.
- March 10, 2016 ELC/April 14, 2016 BRN decision – Continued Warning Status and to include the completed 2015-2016 annual pass rate for the final decision. The 2015-2016 annual pass rate, though improved from the previous year of 29.69%, is 65.79% (25passed/36). SU submitted the final progress report on Sept. 12, 2016 and reported that the cohort groups (after 2014) show improved pass rate. Table below is from their final progress report.

| Cohort Applied Action Plan | Total Graduate number | Pass Rate (Passed/delivered) | Taken In 3months | | Taken In 6months | | Taken In 9months | | Taken after 12months | | Never Taken |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Passed | Failed | Passed | Failed | Passed | Failed | Passed | Failed | |
| Dec 2014 | 20 | 55.56% (10/19) | 1 | 1 | 6 | 5 | 2 | 1 | 1 | 2 | 1 |
| June 2015 | 19 | 81.25%% (13/16) | 3 | 0 | 6 | 1 | 4 | 2 | 0 | 0 | 3 |
| Dec 2015 | 11 | 87.50% (7/8) | 0 | 0 | 7 | 1 | 0 | 0 | | | 2 |
| | 50 | Sub. Total # | 4 | 1 | 19 | 7 | 6 | 3 | 1 | 2 | N/A |
| | | Three Cohorts' Average Passing Rates by Taken Timelines | 80% | | 73.08% | | 66.67% | | 33.33% | | N/A |
| | | | 74.19% | | | | 58.33% | | | | |

➤ Summary: As shown the pass rate analyzed by the graduation timelines above, graduates would be encouraged to take their NCLEX within 3months after graduation to be more successful. Our administration has monitored our graduates' NCLEX exam dates closely while providing the NCLEX preparation course and tutorial classes which have Predictability exam system. These help improve students study habits while helping ensure readiness for NCLEX testing.

The previous two progress reports to the Board showed actions taken by SU to improve the graduate outcome. Multiple actions were implemented and small incremental improvements were observed in the last two years. Specific problem area that the program identified and addressed at the beginning was that low NCLEX results related to admission of primarily LVN advanced placement cohort, including a larger than the usual number of 30-Unit Option (non-degree) students. These students completed only courses in the second year of the curriculum. Data from the progress report of this group's pass rates are in the following table below.

Table 2. Current NCLEX-RN Passrate (as of March 2014)

| Options | 2010/11 | 2011/12 | 2012/13 | 2013/14 | Average |
|---|---|---|---|---|---|
| LVN 30U | N/A | 50% (4/8) | 40% (6/15) | 0% (0/1) | 41.67% (10/24) |
| LVN Adv | 100% (1/1) | 76.60% (36/47) | 66.67% (34/51) | 46.15% (6/13) | 68.75% (77/112) |
| Generic | N/A | N/A | N/A | 38.36% (5/13) | 38.46% (5/13) |
| Total | 100% (1/1) | 72.73% (40/55) | 60.61% (40/66) | 40.74% (11/27) | 61.74% (92/149) |

The pass rate results participated by LVN-RN & 30-units cohorts for three years, whereas only one year for Generic students".

As one of the corrective actions, SU's enrollment pattern that was inconsistent with the approved pattern was corrected, and SU changed admission and progression standards, increasing admission

GPA and TEAS and course repeats. The program has not had openings for 30 Unit-Option track since 2013. Another possible problem area identified was the large population of English-as-second-language students. However, SU's data did not support this assumption as being a problem since this group of students performed better on NCLEX than the native English group.

The Action Plan included retaining Sue Albert, MSN, RN as a consultant, who has many years of experience as Nursing Director/Dean at College of the Canyons ADN Program, to work with faculty to strengthen their teaching skills and to revise their curriculum. The program's support services have been systematized, additional resources, such as standardized tests and Kaplan test reviews, were added. The program evaluation plan is being used systematically to review data and make changes as needed.

The table below has data of students who took NCLEX 2015-2016, comparing students grouped before SU implemented the action plan (A group) with the group that received the changes from the action plan (B group). The difference between the groups shows significant improvement for the latter group.

<Table 3. 2015-2016 Annual Pass Rate Produced by Action Plan>

| 2015-2016 Quarterly | BEFORE Action Plan Applied (A) | | AFTER Action Plan Applied (B) | | Average A & B |
|---|---|---|---|---|---|
| | # of Passed/delivered | Pass rate (%) | # of Passed/Delivered | Pass rate (%) | NCSBN Pass Rate % |
| 4th QTR (April-June 2016) | NA | NA | 7/8 | 87.5% | 87.50% |
| 3rd QTR (Jan-Mar 2016) | 0/1 | 0% | 4/7 | 57.14% | 50% |
| 2nd QTR (Oct-Dec 2015) | NA | NA | 7/9 | 77.78% | 77.78% |
| 1st QTR (July-Sep 2015) | 2/7 | 28.57% | 5/6 | 83.33% | 53.85% |
| Annual Ave. | 2/8 | 25% | 23/30 | 76.67% | 65.79% |

SU has been working diligently to make changes, and faculty are observing significant improvements. However, improvements are in very small increments. Despite their efforts, the overall effect on the program's pass rate continues to show substandard first-time pass rate. The program has corrected all areas of noncompliance identified at the time of the 2014 visit, except for Section 1431, Licensing Pass Rate Standard.

SU has tracked results from NCLEX pass rates by cohort group to analyze the effects of the changes from the action plans implemented. It is the faculty's belief that positive improvements are being made with those who are completing the revised curriculum. The cohort group results that show improvements are identified in the table below (from the progress report).

**1)** The NCLEX pass rate has been steadily increased since the action plans have been implemented (Dec 2014, June 2015, and Dec 2015)

- The NCLEX results show improvement in pass rates for each class participating in the action plan.

| Graduation Date | Total # of Graduates | 1st Time | | 1st Time Pass Rate (%) | # of Semester action plan applied |
|---|---|---|---|---|---|
| | | Pass | Not Pass | | |
| Dec 2015 | 11 | 7<br><br>4 LVN Advs<br>3 Generic RN | 1<br><br>0 LVN Advs<br>1 Generic RN | 87.50% | 3 |
| June 2015 | 19 | 13<br><br>4 LVN Advs<br>9 Generic RN | 3<br><br>1 LVN Advs<br>2 Generic RN | 81.25% | 2 |
| Dec 2014 | 20 | 10<br><br>10 LVN Advs<br>NA- Generic RN | 9<br><br>9 LVN Advs<br>NA- Generic RN | 52.63% | 1 |

*<Updated on June 30, 2016>*

Their data have the passing rate for the three cohort groups for the 2015-2016 academic year as 76.67%. Despite the overall pass rate being 65.79% for the current academic year, faculty at SU are encouraged with the three cohort graduates having achieved a 76.67% recognizing it as significant improvement.

Public Comment: Misun Sprina Jeon, RN, MSN, is Director of ADN Program
Karen Kim, Faculty
Sue Albert, Consultant

Motion: Michael Jackson made a motion to continue warning status for Shepherd University Associate Degree Nursing Program with program to return to Education/Licensing Committee in October 2017. Program is to submit quarterly progress reports (January 2017, April 2017, July 2017, September 2017) and the NEC is to make at least one site visit to program in Spring 2017. Second: Raymond Mallel

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|---|---|---|---|---|---|---|---|
| | Y | Y | Y | Y | Y | Y | Y |

**7.4.2 Charles R. Drew University of Medicine and Science, Merv M. Dymally School of Nursing Entry Level Master's Degree Nursing Program**
Laura Shainian, NEC, presented this report

**BACKGROUND:** Margaret Avila, PhD, PHN, APRN, is the Program Director.
The program is being presented subsequent to the Boards's decision to issue Warning Status with Intent to Close CDU ELM Nursing Program at its June 16, 2016 meeting, and to return to the October ELC for further consideration. The Warning Status was issued as a result of the program's continued non-compliance for substandard NCLEX pass rate, which originates from its June 15-16, 2015 regularly scheduled continuing approval visit. Findings for the visit identified two areas of non-compliance – one area was corrected; the non-compliance for CCR 1431 NCLEX Pass Rate, continues as depicted in the table below.

**NCLEX pass rate for first time candidates below 75% for two consecutive academic years:**

| Year | Taken | Passed | Annual Percent |
|------|-------|--------|----------------|
| 2011-2012 | 1 | 1 | 100% |
| 2012-2013 | 20 | 19 | 95.0% |
| 2013-14 | 63 | 30 | **47.62%** |
| 2014-15 | 87 | 48 | **55.17%** |
| 2015-16( four quarters) | 37 | 17 | **45.95%** |

At the June 16 Board meeting, the reported annual NCLEX pass rate was 53.33% (three quarters). Since that time, one graduate has tested during the fourth quarter (April-June) which resulted in: 1 taken / 0 passed – for a <u>final</u> Annual Pass Rate of 45.95% for the 2015-16 academic year. The next quarterly results (July-Sept) will become available in November.

ELC Recommendations approved by the Board at the June meeting included a one-time enrollment of 20 students for Fall 2016 admission & that additional enrollment would require approval by the Board, and that the program would provide monthly progress reports to the NEC.

Monthly progress reports for June – September described implementation of the program's restructured plan for assessing student performance in the program, remediating as needed, and testing for readiness before taking the NCLEX. This included NCLEX reviews provided by a newly hired consultant for 5th semester students completing the prelicensure portion of the curriculum, and HESI Exit Exam testing to ensure readiness. As a result of these stepped-up measures, the program reported strong test scores for Cohorts 9 and 10 that indicate a 95.0% to 98.32% probability of passing the NCLEX. Cohort 9 graduated 27 students on August 31 – the program reported seven students have taken and passed the NCLEX. Cohort 10 students are currently in the 6th semester (CNL), and will be provided with additional NCLEX review sessions & testing (HESI CAT) before taking the NCLEX and graduating on December 31.

There are a total of 109 students in the program: 31 students in Cohort 10 (6th semester), 31 students in Cohort 11 (4th semester), 18 students in Cohort 12 (3rd semester), 20 students in Cohort 13 (first semester), plus 1 student from Cohort 7, and 8 students from Cohort 9.

Other activities/improvement measures reported by the program include a review of faculty profiles relative to teaching assignments & content experts, and the hire of a Simulation Specialist to oversee simulation and work with the program's simulation technician. Faculty orientation now consists of a more structured mentorship for new faculty as well as for adjunct clinical instructors, and a new 12-week Faculty Professional Development Workshop Series has been instituted to assist with enhancing teaching practices.

An updated faculty roster shows 17 faculty: 11 Fulltime/ 6 Part-time, which represents a loss of 4 faculty (2FT/2PT) and a gain of 3 faculty (1FT/2PT) since April 2016. The faculty ratio at the June 2015 CAV was 15 full-time and 3 part-time. While the program is closely maintaining its total number of faculty, the turnover continues to present some problems as reported by students during an NEC visit to the program on September 21-22, 2016. Students in Cohorts 10, 11 & 12 reported clinical groups not starting on time due to faculty or facility issues, which was similarly identified by students in Fall/Spring 2015-16. The program has been working to recruit and stabilize its core faculty, and is currently reviewing 2 prospective candidates for faculty approval.

Total Program Evaluation is occurring in the program as evidenced by student survey data (i.e. course, faculty, clinical, skills lab) from Spring 2016 which garnered satisfactory ratings in all areas. A newly formed Program Evaluation (PE) Committee plans to meet every other month and at the end of each academic year, and the Total Program Evaluation Plan is being updated. Over the past summer, the curriculum was mapped to BRN requirements and the NCLEX-RN test plan to ensure content and identify areas for improvement. A revised clinical evaluation tool is being piloted and there are plans for submission of a major curriculum revision proposal to be implemented Fall 2017.

Students voiced appreciation of the changes being made in the program – NEC shared their feedback with the program director. Student representatives for each cohort have begun to attend faculty meetings; they will also be invited to the appropriate committee meetings where specific issues/concerns can be addressed for a response.

Public Comment: Margaret Avila, PhD, PHN, APRN, Program Director
Steven O. Michael, PhD, Executive Vice President for Academic Affairs and Provost

Motion: Michael Jackson made a motion to continue warning status with quarterly progress reports to NEC and program to return to ELC in March 2017. The program may enroll one additional cohort of 20 students for Spring 2017 admission.
Second: Barbara Yaroslavsky

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | Y  | Y  | Y  |

## 7.5 NCLEX Update
Katie Daugherty presented this report

**BACKGROUND:** The Board of Registered Nursing receives quarterly reports from the National Council of State Boards of Nursing (NCSBN) about the NCLEX-RN test results by quarter and with an annual perspective. The following tables show this information for the last 12 months and by each quarter.

### NCLEX RESULTS–FIRST TIME CANDIDATES
#### October 1, 2015-September 30, 2016*/**

| JURISDICTION | TOTAL TAKING TEST | PERCENT PASSED % |
|--------------|-------------------|------------------|
| California*/** | 11,385 | 87.86 |
| United States and Territories | 158,033 | 84.30 |

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## CALIFORNIA NCLEX RESULTS–FIRST TIME CANDIDATES
### By Quarters and Year October 1, 2015-September 30, 2016*/**

| 10/01/15-12/31/15 | | 1/01/16-3/31/16 | | 4/01/16-6/30/16 | | 7/01/16-9/30/16 | | 10/1/15-9/30/16 | |
|---|---|---|---|---|---|---|---|---|---|
| # cand. | % pass | # cand. | % pass | # cand. | % pass | # cand. | % pass | # cand. | % pass |
| 1,744 | 84.29 | 3,414 | 86.94 | 2,009 | 86.61 | 4,218 | 90.68 | 11,385 | 87.86 |

*Includes (3), (1), (3) and (0) "re-entry" candidates*
***2016 NCLEX-RN Test Plan and Passing Standard: The detailed versions (Candidate and Educator) of the 2016 NCLEX-RN Test Plan are now available on the NCSBN website at www.ncsbn.org. The 2016 NCLEX-RN Test Plan is effective April 1, 2016 through March 31, 2019. The NCLEX-RN Passing Standard will remain at the current level of 0.00 logit that was instituted April 1, 2013. This passing standard will remain effective through 3.31. 2019. A logit is a unit of measurement to report relative differences between candidate ability estimates and exam item difficulties.*

Nursing Education Consultants (NECs) monitor the NCLEX results of their assigned programs. When a program's annual first time candidate pass rate is below 75% for the academic year (July 1-June 30), the NEC sends the program written notice of non-compliance (per CCR 1431). The program submits a detailed written assessment of the factors contributing to the annual substandard pass rate along with a corrective action plan to improve the annual rate. The NEC summarizes the program's NCLEX assessment and improvement action plans in the ELC/Board meeting materials per the 3/16 revision of the Licensing Examination Passing Standard EDP-I-29 document. If a second consecutive year of annual substandard performance occurs, a continuing approval visit will be scheduled within six months, and the NEC's continuing approval visit findings reported to ELC with program representatives in attendance per EDP-I-29 as included in the Program Directors' Handbook Section 8.

## 7.6    Licensing Program Update
Christina Sprigg, Chief Licensing and Administrative Services, presented this report

**PROGRAM UPDATE:**
The Licensing Program evaluators are currently processing the initial review of exam and endorsement applications received in late September. The Board is preparing to process applications for fall graduation. To assist students on how to apply to the Board, the Licensing's management team continues to present an overview regarding the application and eligibility process to California students.

The Board is actively recruiting for 6 positions in the Licensing Unit; one full-time Program Technician II (PHN Evaluator), 4 limited-term Program Technician II (US Evaluator) and one limited-term Program Technician (Support). These positions will be dedicated to ensure that processing timeframes are being maintained within our statutory timeframes. We expect to have these positions filled by the end of November.

We continue to improve processes within the Licensing Program and have begun utilizing the CloudDrive to receive electronic transcripts from California programs. The Board is also looking into other transcript providers in order to accept transcripts from out of state programs.
This will help with streamlining the Endorsement application process. Additionally, the Board continues to assess internal business processes and make necessary changes to ensure the evaluation and licensure processes is as streamlined as possible. Licensing management and staff continue to meet bi-weekly with Breeze Business Integration Analysts to review potential changes and enhancements to the system to allow for a more efficient workflow.

Long Dau, Licensing Program Manager and I gave a presentation at the annual California Organization of Associate Degree Nursing Program Directors conference on October 19, 2016. The presentation outlined the updates that were made to the Director's Handbook, the process of submitting electronic transcripts, process on how to apply online for the examination application, the NCLEX registration process, reporting of prior convictions and discipline and our processing timeframes. The major points of discussion were the elimination of the roster process for California programs and the implementation of accepting electronic transcripts via the DCA-BRN Cloud. The deans and directors were very receptive to the changes, but did have some questions regarding the electronic transcript process. Some programs have informed us that they use third party vendors to prepare their students final transcripts which may cause some additional work on their part to submit via the Cloud. We have been working with some of the programs to assist in ways for their school to utilize the Cloud to submit electronic transcripts to the board.

**STATISTICS:**
The Board is currently using Quality Business Interactive Report Tool (QBIRT) and is able to create and run various reports on a daily basis. QBIRT basics Workshop was held on October 28, 2016 for staff who was not able to partake in the first session. The Board sent additional staff to attend in an effort to have more users who would be able to run reports.

| Applications Received | | | | |
|---|---|---|---|---|
| **Application Type** | **Fiscal Year 2013 – 2014** | **Fiscal Year 2014-2015** | **Fiscal Year 2015-2016** | **Fiscal Year** ** **2016-Current** |
| **Exams** | 14,284 | 15,777 | 16,059 | 3,960 |
| **Endorsement** | 9,679 | 13,534 | 15,713 | 6,385 |
| **Repeat/Reapply** | 5,716 | 7,734 | 6,879 | 2,095 |
| **Advanced Practice** | 6,921 | 8,084 | 6,701 | 3,975 |
| **Total** | **36,600** | **45,129** | **45,352** | **16,415** |

** Fiscal Year 2016 – Current: July 1, 2016 – November 2, 2016

Public Comment: Sheri Monsein, UCLA Health

**8.0  Report of the Legislative Committee**
        Donna Gerber, Chairperson

**8.1  Status Update and Discussion of the Bills of Interest to the Board that were Introduced during the 2015-2016 Legislative Session**
        Kay Weinkam, NEC, Presented this report

| Assembly Bills | | | Senate Bills | |
|---|---|---|---|---|
| AB 12 | AB 1306 | **AB2105** | SB 319 | SB 960 |
| AB 26 | AB 1351 | AB2209 | SB 323 | SB 1039 |
| AB 85 | AB 1352 | **AB 2272** | SB 390 | **SB 1076** |
| AB 172 | **AB 1386** | AB 2399 | SB 408 | **SB 1139** |

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| | | | | |
|---|---|---|---|---|
| AB 611 | **AB 1748** | AB 2507 | SB 464 | **SB 1155** |
| AB 637 | AB 1992 | AB 2606 | SB 466 | SB 1194 |
| **AB 840** | AB 1939 | AB 2701 | SB 467 | SB 1195 |
| AB 1060 | AB 2079 | AB 2744 | **SB 482** | SB 1217 |
| | | **AB 2859** | SB 531 | SB 1334 |
| | | | SB 800 | SB 1348 |

Bill No: AB 840 (Ridley-Thomas)
Subject: Nurses and Certified Nurses Assistants: Overtime
Bill Status: Vetoed – September 30, 2016

Bill No: AB 1306 (Low)
Subject: Emergency Medical Care: Epinephrine auto-injectors
Bill Status: Chapter 374, Statutes of 2016

Bill No: AB 1746 (Mayes)
Subject: Pupils: Pupil Health: Opioid Antagonist
Bill Status: Chapter 557, Statutes of 2016

Bill No: AB 2105 (Rodriguez)
Subject: Workforce Development: Allied Health Professions
Bill Status: Chapter 410, Statutes of 2016

Bill No: AB 2744 (Gordon)
Subject: Pupils: Healing Arts: Referrals
Bill Status: Chapter 360, Statutes of 2016

Bill No: AB 2859 (Low)
Subject: Professions and vocations: retired category: licenses.
Bill Status: Chapter 473, Statutes of 2016

Bill No: SB 482 (Lara)
Subject: Controlled substances: CURES database.
Bill Status: Chapter 708, Statutes of 2016

Bill No: SB 1039 (Hill)
Subject: Professions and vocations.
Bill Status: Chapter 799, Statutes of 2016

Bill No: SB 1076 (Hernandez)
Subject: General acute care hospitals: observation services.
Bill Status: Chapter 723, Statutes of 2016


Bill No: SB 1139 (Lara)
Subject: Health professionals: medical degree programs: healing arts residency training programs:
Undocumented immigrants: nonimmigrant aliens: scholarships, loans, and loan repayment.
Bill Status: Chapter 786, Statutes of 2016


Bill No: SB 1348 (Cannella)
Subject: Licensure applications: military experience.
Bill Status: Chapter 174, Statutes of 2016

## 9.0    Report of the Diversion/Discipline Committee
Cynthia Klein, Chairperson

## 9.1    Complaint Intake and Investigations Update
Shannon Silberling, Deputy Chief, Complaint Intake and Investigations presented this report.


## PROGRAM UPDATES

### COMPLAINT INTAKE:

**As of 10/25/2016:**  Complaint intake is fully staffed.

### Program

**As of October 25, 2016:**
- BRN has received 2,827 complaints for the current fiscal year.
- There are 1,002 pending complaints in the complaint intake unit (all assigned to desk analysts)
  - 8 cases over1 year
  - 555 Applicants
  - 324 CORI
  - 123 Public

Effective July 1, 2016, all California licensed furnishing/prescribing practitioners were required to be registered in CURES 2.0.  We are currently working on processes to ensure compliance with this requirement.

All furnishing RN's can find information and helpful links, regarding CURES 2.0, on the Board's website at www.rn.ca.gov under "What's New."

We have just completed an audit by DCA of our complaint intake and investigation units, in regards

to the compliance with CPEI. A report will be provided at a later date.

We currently have 195 active experts across California. We continue to recruit RN's for expert witnesses in all areas of expertise but are currently in high demand for RN's currently working in the field of;

- Laser/Botox
- Anesthetist
- Midwives
- Nurse Practitioner's

Anyone interested should fill out an application on our website at www.rn.ca.gov/pdfs/enforcement/expwit.pdf.

## INVESTIGATIONS:

**Staff** We are fully staffed in both Northern and Southern California, as well as all support staff.

**Program** As of October 25, 2016, there were approximately 25 BRN investigative cases over one year old and there were approximately 69 DOI cases over one year old.

**Statistics**

| BRN Investigations | July 2016 | Aug 2016 | Sept 2016 | Current FY |
|---|---|---|---|---|
| Cases Opened | 61 | 48 | 52 | 161 |
| Total cases assigned | 389 | 381 | 389 | 386 avg. |
| Total cases unassigned (pending) | 163 | 134 | 114 | 137 avg. |
| Cases closed | 46 | 72 | 57 | 175 |
| Average days to case completion | 297 | 248 | 310 | 285 |
| Average cost per case | $3,339 | $2,607 | $3,304 | $3,083 |
| Average hours per case | 38 | 30 | 38 | 35 |
| Total Case Hours *(included supplemental)* | 1744 | 2131 | 2138 | 6013 |
| Total Cost | $153,629 | $187,720 | $188,336 | $529,685 |
| Division of Investigations | July 2016 | Aug 2016 | Sept 2016 | FY Total |
| Cases Opened | 36 | 48 | 23 | 107 |
| Total cases assigned | 333 | 262 | 273 | 289 avg. |
| Total cases unassigned (pending) | 47 | 38 | 18 | 34 avg. |
| Cases closed | 30 | 29 | 32 | 91 |
| Average days to case completion | 390 | 336 | 321 | 349 |
| Average cost per case | $8,589 | $5,444 | $7,968 | $7,333 |
| Average hours per case | 51 | 31 | 47 | 43 |
| Total Case Hours *(included supplemental)* | 1382 | 1293 | 1415 | 4090 |
| Total Cost *(based on $169.00 per hour)* | $233,600 | $218,474 | $239,050 | $691,125 |

**9.2    Discipline and Probation Program Update and Statistics**
Beth Scott, Deputy Chief Discipline, Probation and Intervention, presented this report.

## Staffing

As of October 3, 2016, the Probation Program and the Discipline units are fully staffed.

## Program – Discipline

The Discipline Unit continues to work with the Attorney General's (AG) office to complete our cases in a timely manner and streamline our processes for efficiency.

The discipline unit is in the process of beginning a pilot project to utilize the DCA Cloud to transmit cases to the AG's office.    It is anticipated this process will provide cost savings and result in a reduction in the overall timeframe for imposing discipline.

## Statistics - Discipline

Below reflects FY 15/16 (July 1, 2015 – June 30, 2016) discipline statistics:

| | |
|---|---|
| Decisions Adopted | 1,578 |
| Pleadings served | 1,067 |
| Petitions to Revoke Probation served | 104 |
| Surrenders signed by E. O. | 291 |

Below reflects FY 16/17 (July 1, 2016 – November 1, 2016 ) Discipline statistics:

| | |
|---|---|
| Decisions Adopted | 452 |
| Pleadings served | 323 |
| Petitions to Revoke Probation served | 43 |
| Surrenders signed by E. O. | 93 |

The BRN continues to work with the DCA BreEZe team to verify the accuracy of the performance measures statistics and the automation of work processes.  The discipline unit has one discipline analyst dedicated to working with the BreEZe team.

Program – Probation
On October 25, 2016, the probation unit presented at the Nurse Support Group Facilitator Conference.  This conference was valuable in that the unit was able to enhance fostering a collaborative working relationship with the facilitators throughout the state.  Probation Staff was well received and the facilitators provided positive feedback.

## Statistics - Probation

### Statistics – July 1, 2016 to October 27, 2016

| Probation Data | Numbers | % of Active |
|---|---|---|
| Male | 368 | 30% |
| Female | 872 | 70% |
| Chemical Dependency | 815 | 65.7% |
|    Required Drug-Screening | 619 | 49.9% |
| Practice | 300 | 24.2% |
| Mental Health | 9 | 0.7% |
| Conviction - excluding chemical dependency/alcohol use | 116 | 9.4% |
| Advanced Certificates | 118 | 10% |
| Southern California | 714 | 58% |
| Northern California | 519 | 42% |
| Pending AG - Tolled | 7 | 1% |
| Pending AG | 103 | 8% |
| License Revoked Fiscal YTD | 2 | |
| License Surrendered Fiscal YTD | 12 | |
| Terminated Fiscal YTD | 3 | |
| Successfully Completed Fiscal YTD | 17 | |
| Active In-State Probationers | 1,240 | |
| Completed/Revoked/Terminated/Surrendered YTD | 34 | |
| Tolled Probationers | 350 | |
| Active and Tolled Probationers | 1,590 | |

The average case load of active probationers per probation monitor is approximately 137. However, the average number of cases per monitor including Tolled cases is 176. There are 64 Early Termination and 9 Modification of Probation cases waiting to be heard by the Board.

**9.3 Intervention Program Update and Statistics**
Don Walker, Intervention Program Manager presented this report

### Staffing

The Intervention Program currently has a vacancy for an Office Technician and we are currently screening applications for this position.

### Program Update

The Intervention Program hosted the annual Intervention Liaison Committee (ILC) meeting on October 24, 2016, at the Hilton Garden Inn in Sacramento. Board member Cynthia Klein, the

Assistant Executive Officer, Stacie Berumen, Discipline, Probation, and Intervention Chief, Beth Scott, the Intervention Program Manager, Don Henry Walker and staff, the Maximus Project Director, Virginia Matthews and case managers, along with representatives from the Diversion Evaluation Committees, two Public Members and one Nurse Support Group Facilitator were in attendance. There were approximately 31 attendees. The Intervention Liaison Committee meeting is held annually to maintain the continuity and integrity of the program in addition to providing a forum to discuss pertinent policy proposals that support the enhancement of the Intervention Program.

In addition to the ILC meeting, the Intervention program staff hosted the Nurse Support Group Facilitator's Conference on October 25, 2016. This conference is conducted to develop greater communication between the facilitators, Board staff and MAXIMUS, the Intervention programs contractor. There was discussion regarding the facilitator's role and responsibilities as outlined in the Intervention program contract, guidelines and policies. In addition, there was an open forum to foster discussion regarding the needs and concerns of the facilitators.

In a continuous effort to reach out to nurses in need and provide community outreach, Virginia Matthews, Maximus Project Manager presented information on November 9th at Dominican Hospital in Santa Cruz. The outreach presentation was conducted for newly graduated nurses during their orientation.

## Intervention Evaluation Committees (IEC)

There are currently two Physician member vacancies at this time, one in San Jose (IEC 7)* and one in Burbank (IEC 8)*.

There is currently one RN member vacancy in Burbank (IEC 8).

There is currently one Public member vacancy in Orange county (IEC 4).

**\*Asterisk denotes pending committee recommendation for Board approval of IEC member included in Agenda Item 9.3.1**

## Statistics – Intervention

The Statistical Summary Report for July 1, 2016, through August 31, 2016, is after this update. As of August 31, 2016, there have been 2,107 successful completions.

**9.3.1    Intervention Evaluation Committee Members/ New Appointments and Transfers**

**BACKGROUND:**
In accordance with B & P Code Section 2770.2, the Board of Registered Nursing is responsible for appointing persons to serve on the Intervention Evaluation Committees. Each Committee for the Intervention Program is composed of three registered nurses, a physician and a public member with expertise in substance use disorders and/or mental health.

**APPOINTMENTS**

Below are the names of the candidates who are being recommended for appointment to the Intervention Evaluation Committees (IEC). Their applications and résumés are attached. If approved, their terms will expire June 30, 2020.

| NAME | TITLE | IEC | NO |
|------|-------|-----|----|
| Rhonda Ceccato | Public Member | Orange County | 4 |
| Sarah Domb, MD | Physician Member | Burbank | 8 |
| David Rohrdanz, MD | Physician Member | San Jose | 7 |

**RESIGNATION (For informational purposes, no vote needed)**

| NAME | TITLE | IEC | NO |
|------|-------|-----|----|
| Anna Seiders | RN Member | Ontario | 9 |
| Melody Law | Physician Member | Oakland | 13 |

**Motion:** Cynthia Klein made a motion to approve Committee Members and New Appointments

**Second:** Michael Jackson

Public Comment: Katherine Hughes, RN, SCIU

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y | Y | Y | Y | Y | Y | Y |

**10.0 Report of the Nursing Practice Committee**
Trande Phillips, RN, Chairperson

**10.1 Information Only: Initiating Formal Rulemaking Process for Regulatory Language for Article 8 Standard of Nurse Practitioner with the Office of Administrative Law**
Janette Wackerly, Presented this report

**BACKGROUND:**

The regulatory proposal amending Article 8 Nurse Practitioners §1480-1485 and to add section 1483.1 Requirements for Nurse Practitioner Education Programs in California, 1483.2 Requirements for Reporting Nurse Practitioner Education Programs, 1486 Requirements for Clinical Practice Experience for Nurse Practitioner Students Enrolled in Out of State Nurse Practitioner Education Program. There was no public testimony at the hearing on September 19th, 2016. During the comment period four organizations submitted comments. The following is the summary of the comments and proposed responses.

APRN Rulemaking file was submitted to OAL on July 20, 2016
Publication date was on August 5, 2016
Public Hearing was on September 19, 2016

**California Action Coalition a Program of HealthImpact.**
In a joint statement Susanne J. Phillips, DNP, APRN, FNP-BC Co-Lead Workgroup #1 Removing Practice Barriers and Garett Chan, PhD, APRN, ACNP-C, CNS-BC, FAAN Co-Lead Workgroup # 1 Removing Practice Barriers provided support with some minor revisions of Section 1480 definitions, Section 1483.1 Nurse Practitioner Education Programs based in California, Section 1483.2 Requirements for Reporting Nurse Practitioner Program Changes, and 1486 Requirements for Clinical Experience for Nurse Practitioner Student Enrolled in Out of State Nurse Practitioner Programs; recommends striking Section 1484 (f) (2) Nurse Practitioner Education as Section 1484 (f) (1) (A) clarifies the clinical preceptor must hold an active valid California license to practice his or her respective profession and demonstrates current competency; recommends striking 1484 (h) (4) (A) "graduate" and striking 1484 (h) (4) (D) "and or physician" clarifies that within the curriculum plan, NP faculty within the approved program are responsible for overall supervision of precepted clinical experience. Section 1484 (f) (1-5) clarifies that licensed healthcare providers, such as but not limited to physicians may precept NP student when appropriate to their educational training.

**Proposed Response: Accept the Recommendations.**
It is believed that the joint statements of the Action Coalition by Susanne J. Phillips and Garett Chan Co-Workgroup #1 Removing Practice Barriers are in support of the regulations with minor revisions as described. Further, the Coalition agrees the anticipated benefit of the proposed rulemaking will further the Board's mission of consumer protection by ensuring minimum requirements for nurse practitioners and nurse practitioner education programs are upheld.

The following are members of the Action Coalition who are in support:
California Action Coalition a Program of Health Impact
Association of California Nurse Leaders, ACNL
American Nurses Association/California
California Association of Nurse Practitioners
California Nurse-Midwives Association
California Association of Clinical Nurse Specialists

**California Nurses Association**

**Comment # 1: 1482 Requirement for Certification (National) as Nurse Practitioner**
During the pre-regulatory public hearing for California Code of Regulations that were held, CNA took an oppose position to the draft regulations on the grounds that all nurse practitioner applicants for certification would be required, as a condition of Board certification, to also obtain national certification.

**Proposed Response: Accept the recommendation**
At the April 14, 2016, Board meeting during the Nursing Practice Committee presentation, public comment by Kurt Heppler, Supervising Legal Counsel-DCA referenced sections 850 and 851 of the Business and Professions Code relevant to the Department of Consumer Affairs boards which states boards do not have authority to require applicants to be nationally certified unless it is stated in a board specific statute.

CNA is pleased to see the proposed regulations allow for multiple pathways to Board certification as a nurse practitioner including both national certification *and/or* successful completion of a Board-

approved NP program.

**Comment#2.    1484 Nurse Practitioner Education.**

**Subsection (d) Faculty; Subsection (e) Director-**
The proposed regulation would require all Board-approved nurse practitioner education programs to have a lead nurse practitioner faculty educator (subsection (d)(3), and a nurse practitioner education program director (subsection (e)), who are certified by a national certification organization. As identified above, Section 1482 establishes that there are multiple pathways to Board certification as an NP, including both successful completion of a Board-approved NP education program, and certification by a national certification organization. It is not clear why the lead nurse practitioner faculty educator faculty and program director would be required to obtain national certification in addition to Board certification. This requirement could inadvertently and incorrectly imply that Board certification is inferior to national certification. For the sake of consistency and clarity, CNA recommends eliminating the requirement for national certification, and requiring only the nurses filling these roles by certified by the Board as a nurse practitioner.

**Proposed Response:  Reject the comments**
The proposed regulation will require all Board-approved nurse practitioner education programs to have a lead nurse practitioner faculty educator (subsection (d)(3), and a nurse practitioner education program director (subsection (e)),  to be nationally certified  because the National Organization of Nurse Practitioner Faculties reasons that certification provides a rigorous assessment of clinical knowledge and competence in practice that is critical for a leader of a NP education program. The nurse practitioner who provides overall educational program leadership, holding the title of NP director or lead NP educator or coordinator, have a master's or doctoral-level preparation and national certification in the   population-focus to support the responsibilities of the leadership role.

The National Organization of Nurse Practitioner Faculties has established evaluation criteria for nurse practitioner education programs that are endorsed by the Commission on Collegiate Nursing Education as well as the National League and many other large organizations. The criteria are found in the document Criteria for Evaluation of Nurse Practitioner Programs and state specifically the requirement for national certification of lead faculty and directors of programs. The relevant criteria state:

Criterion I.A: The director/coordinator of the NP program is nationally certified as an NP and has the overall responsibility for the NP program

Criterion 1.B: The faculty member who provides direct oversight for the NP educational component or track is nationally certified in the same population-focused area of practice.

BRN staff consulted with Michael Santiago, legal counsel, who stated Business and Professions Code 850 and 851 do not apply to the NP educational program director and or NP faculty educator or coordinator.

**Motion:** Raymond Mallel made a motion to direct staff to make changes to negative comments and then accept the remainder of the draft comments.
**Second:** Barbara Yaroslavsky

**Public Comments:** Simram Kivam, CANP

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | N    | Y  | Y  | Y  | Y  | N  | Y  |


**Motion:** Raymond Mallel made a motion to move to adopt responses as amended.
**Second:** Cynthia Klein

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | Y    | Y  | Y  | Y  | Y  | Y  | Y  |

**No Public Comments.**

**Motion:** Michael Jackson made a motion to approve the proposed modified text for a 15 day public comment period to delegate the authority to Executive Officer to make technical or non-substantive changes.
**Second:** Elizabeth Woods

| Votes | PD-R | TP | EW | MJ | RM | CK | BY |
|-------|------|----|----|----|----|----|----|
|       | N    | Y  | Y  | Y  | Y  | N  | Y  |

**No Public Comments**


### 10.2 Information Only: Planned 2017 Survey of Nurse Practitioner and Certified Midwives in California

Janette Wackerly, Supervising NEC presented this report.

**BACKGROUND:**
The Nurse Midwifery Committee meeting was held on September 16, 2016, from 11am-2pm at the Marriot Newport Beach.

A quorum attended the meeting and included Dr. Naomi Stotland (skype), Lin Lee, BJ Snell, Karen Ruby Brown, and Karen Roslie.

Attendees included: Janette Wackerly, Dr. Joseph Morris, Elizabeth Woods, Trande Phillips, Julie Campbell-Warnock, and Shannon Silberling

The meeting agenda included the following:

10.1 Information only: review of Grounds for Discipline, Disciplinary Proceedings and Rehabilitation 1441-1445.1 and Discussion Shannon Silberling, Chief of Complaint Intake

10.2 Information only: Nurse Practitioner and Nurse-Midwifery Survey
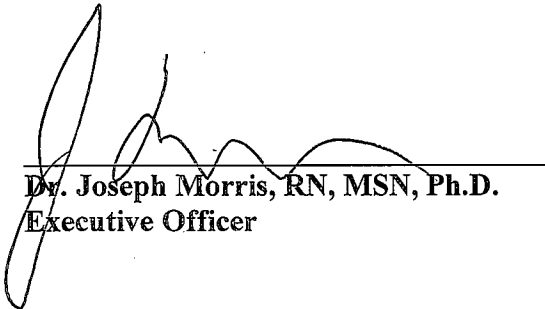
10.3 Review of Mission Statement Draft

10.4 Discussion of AB 1306- Nurse Midwives Scope of Practice
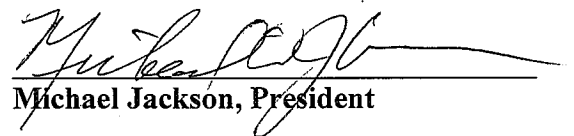
No Public Comments.


**11.0    Adjournment**

The meeting adjourned at 1:15 pm.

**Note:** The Committee may not discuss or take action on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting. (Government Code Section 11125 and 11125.7(a)).


Dr. Joseph Morris, RN, MSN, Ph.D.                    Michael Jackson, President
Executive Officer